

South Australia

Broken Hill Proprietary Company's Steel Works Indenture (Environmental Authorisation) Amendment Act 2005

An Act to amend the *Broken Hill Proprietary Company's Steel Works Indenture Act 1958*.

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Schedule 1—Transitional provisions

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Broken Hill Proprietary Company's Steel Works Indenture (Environmental Authorisation) Amendment Act 2005*.

2—Commencement

- (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to the commencement of this Act or a provision of this Act.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Broken Hill Proprietary Company's Steel Works Indenture Act 1958*

4—Substitution of section 1

Section 1—delete the section and substitute:

1—Short title

This Act may be cited as the *Whyalla Steel Works Act 1958*.

5—Repeal of section 7A

Section 7A—delete the section

6—Insertion of sections 14 to 19

After section 13 insert:

14—Interpretation

In this section and any of the following sections—

development has the same meaning as in the *Development Act 1993*;

draft environment protection policy has the same meaning as in Part 5 Division 1 of the *Environment Protection Act 1993*;

environmental authorisation means a document consisting of 1 or more of the following (*forms of authorisation*):

- (a) a licence within the meaning of the *Environment Protection Act 1993*;
- (b) a works approval within the meaning of the *Environment Protection Act 1993*;
- (c) an exemption within the meaning of the *Environment Protection Act 1993*;

environmental exemption means an exemption within the meaning of the *Environment Protection Act 1993*;

relevant Company development means a development of the Company at, or associated with, relevant Company works or facilities;

relevant Company operations means operations of the Company at, or associated with, relevant Company works or facilities;

relevant Company works or facilities means—

- (a) the Company's steel works at Whyalla, including its associated rolling mills and other works at Whyalla (the ***steel works***); or
- (b) the Company's mining works that produce materials for use in the steel works and for export (the ***mining works***); or
- (c) the Company's transport, storage or trans-shipping facilities associated with the Company's operations at the steel works or mining works.

15—Company granted environmental authorisation under *Environment Protection Act 1993*

- (1) For the purposes of any Act or law, the document set out in Schedule 3 (and if it is varied under this section, the document as so varied) will be taken to be an environmental authorisation granted to the Company under Part 6 of the *Environment Protection Act 1993*.
- (2) The Minister may vary the environmental authorisation, by written notice to the Company, including (without limitation)—
 - (a) by adding a further form of authorisation;
 - (b) by extending the operations or places to which the environmental authorisation relates.
- (3) A variation of the environmental authorisation—
 - (a) must relate to relevant Company operations or developments, or proposed relevant Company operations or developments; and
 - (b) may only be made after consultation between the Minister and the Company.
- (4) The Environment Protection Authority may not vary the environmental authorisation.
- (5) If the environmental authorisation is varied, the Minister must cause a copy of the variation and the environmental authorisation as varied to be laid before both Houses of Parliament.
- (6) The following provisions of the *Environment Protection Act 1993* do not apply to the environmental authorisation:
 - section 43
 - section 45(1) to (4) (inclusive)
 - section 49
 - section 55
 - section 106(1)(a) and (c).

- (7) The environmental authorisation expires on the 10th anniversary of the date of commencement of this section.
- (8) It is the intention of Parliament that the State will not initiate any legislative amendment of the environmental authorisation without first engaging in consultations with the Company.
- (9) In any proceedings, an apparently genuine document purporting to set out the contents of the environmental authorisation as in force between specified dates, and to be certified as such by the Minister, will be accepted as proof of the contents of the environmental authorisation as in force between those dates, in the absence of proof to the contrary.

16—Revocation of other environmental authorisations

- (1) The Minister may, by written notice to the Environment Protection Authority and the Company, revoke an environmental authorisation that—
 - (a) has been granted to the Company by the Environment Protection Authority; and
 - (b) relates to relevant Company operations or developments, or proposed relevant Company operations or developments.
- (2) An environmental authorisation may only be revoked by the Minister under this section after consultation between the Minister and the Company.

17—Period of operation of environmental exemptions

- (1) Despite the provisions of the *Environment Protection Act 1993*, an environmental exemption may be granted or renewed by the Environment Protection Authority in relation to relevant Company operations or developments, or proposed relevant Company operations or developments, for such period as the Authority thinks fit.
- (2) Despite the provisions of the *Environment Protection Act 1993*, an environmental exemption that forms part of the environmental authorisation as in force from time to time under section 15 may operate for such period as is specified in the environmental authorisation.

18—Minister to perform functions under *Development Act 1993*

- (1) In the application of the *Development Act 1993* to a proposed relevant Company development, a reference in the *Development Act 1993* to the Environment Protection Authority is to be read as a reference to the Minister.
- (2) In the performance of a function that the Minister has under the *Development Act 1993* by virtue of the operation of this section, the Minister must—
 - (a) consult with the Company; and

- (b) take into account section 15 and the purpose and effect of the environmental authorisation, as in force from time to time, under that section; and
 - (c) not derogate from the environmental authorisation.
- (3) The Minister may delegate a function that the Minister has under the *Development Act 1993* by virtue of the operation of this section to another Minister.
- (4) A delegation under this section—
- (a) may be by instrument in writing; and
 - (b) may be absolute or conditional; and
 - (c) does not derogate from the power of the Minister to act in any matter; and
 - (d) is revocable at will.

19—Making of environment protection policies that affect Company operations or developments

- (1) This section applies to a draft environment protection policy that would, if approved by the Minister under section 28(11) of the *Environment Protection Act 1993*, affect relevant Company operations or developments, or proposed relevant Company operations or developments.
- (2) In the exercise of the Minister's discretion under section 28(11) of the *Environment Protection Act 1993* in relation to a draft environment protection policy to which this section applies, the Minister must—
- (a) consult with the Company; and
 - (b) take into account section 15 and the purpose and effect of the environmental authorisation, as in force from time to time, under that section; and
 - (c) not derogate from the environmental authorisation.
- (3) In this section—

the Minister means the Minister having the administration of the *Environment Protection Act 1993*.

7—Insertion of Schedule 3

After Schedule 2 insert:

Schedule 3—Environmental authorisation under Part 6 of the *Environment Protection Act 1993*

LICENCE

OneSteel Manufacturing Pty Limited

Locations

Lincoln Highway, WHYALLA 5600 SA
Transshipping Points, Spencer Gulf, SA.

Licensed Activities

The Licensee—OneSteel Manufacturing Pty Limited—is authorised to undertake the following activities of environmental significance under Schedule 1 Part A of the *Environment Protection Act 1993*, subject to the conditions of licence set out below:

- 1(2)(a)(i) Chemical Works: inorganic
- 1(3) Coke Works
- 2(7) Ferrous and Non-ferrous Metal Melting
- 2(8) Metallurgical Works
- 2(11) Scrap Metal Recovery
- 3(3) Waste or Recycling Depots
- 3(4) Activities Producing Listed Waste
- 7(1) Bulk Shipping Facilities
- 7(2) Railway Operations
- 7(3)(c) Crushing, Grinding or Milling: rock, ores or minerals
- 7(5) Coal Handling and Storage
- 8(2)(a) Fuel Burning: rate of heat release exceeding 5 megawatts
- 8(7) Discharges to Marine or Inland Waters

Definitions

the Act means the *Environment Protection Act 1993*.

ADG Code means the Australian Dangerous Goods Code 6th Edition.

Agency means a body or bodies of a participating State or a participating Territory which that State or Territory has nominated for the purposes of any Measure applicable to this licence.

Arisings means the mass rate of raw effluent generated by the relevant process.

Authorisation Fee Payment Date means the anniversary of the grant or renewal of this licence.

Authorised Officer means a person appointed to be an authorised officer pursuant to Part 10 Division 1 of the Act.

the Authority means the Environment Protection Authority established under Part 3 Division 1 of the Act.

Bulk Shipping Facility means the conduct of a facility for the bulk handling of products as defined in Schedule 1, clause 7(1) of the Act, and includes the subsequent handling and transshipping of products in Spencer Gulf.

Consignment Authorisation means an approval which includes a unique identifier granted by an agency or a facility delegated by an agency in the jurisdiction of destination to allow the movement of Controlled Waste.

Controlled Waste means waste defined as such in the National Environment Protection Measure – Movement of Controlled Waste Between States and Territories.

Controlled Waste Measure means the National Environment Protection (Movement of Controlled Wastes between States and Territories) Measure established under the *National Environment Protection Council (South Australia) Act 1995*.

Facility means a place where Controlled Wastes are received.

Indentured Land For purposes of this licence the reference to 'Premises' includes the area within the boundary identified in the *Whyalla Steel Works Act 1958* - Appendix C to the Indenture.

Liquid Waste means waste classified in accordance with the assessment process set out in EPA Guideline entitled 'Liquid waste classification test' re-issued March 2003.

Listed Waste means any waste listed in Schedule 1 Part B of the Act.

the Premises means, at the time of issue of this authorisation, the whole of the land comprised in Titles Register Certificate of Title, Crown Lease and Crown Record:

List of Titles
CL 1013/20
CL 512/104
CL 512/105
CL 975/33
CT 5280/992
CT 5450/551
CT 5463/457
CT 5582/363
CT 5603/813
CT 5835/294
CT 5835/295
CT 5873/786
CT 5916/564
CT 5916/565
CT 5916/566

together with the Licensee's rail corridors between the South Middleback Ranges and the Whyalla Steelworks, and the Licensee's Transshipping points in the Spencer Gulf, S.A.

STP means standard temperature and pressure (zero degrees Celsius and 101.3 kilopascals absolute).

Waste Containing Friable Asbestos means:

- (a) waste consisting of non-bonded asbestos fabric; or

- (b) waste material that contains more than 1% asbestos by weight and—
 - (i) is in the form of powder; or
 - (ii) can be crumbled, pulverised or reduced to powder by hand pressure when dry.

Waste Fill means waste consisting of clay, concrete, rock, sand, soil or other inert mineralogical matter in pieces not exceeding 100 millimetres in length and containing chemical substances in concentrations (calculated in a manner determined by the Authority) less than the concentrations for those substances set out in Table 1 and 2, but does not include waste consisting of or containing asbestos or bitumen.

Acronyms

EIP means Environment Improvement Programme.

WTC means Waste Transport Certificate.

WTF means Waste Tracking Form.

CONDITIONS OF LICENCE

The Licensee is authorised to conduct the prescribed activities as described in this licence at the Locations, and on the Premises, subject to the following conditions:

Control of Emissions

1. POLLUTION CONTROL EQUIPMENT – CONTINGENCY AND BREAKDOWN MANAGEMENT PROGRAM
 - 1.1 The Licensee must develop a Contingency and Breakdown Management Program for the following on-site pollution control equipment:
 - 1.1.1 Waste Gas Cleaning Plant,
 - 1.1.2 Dryer Scrubbers,
 - 1.1.3 3001 Conveyor Scrubber,
 - 1.1.4 Grinding Mills Feed Bins Enclosure Scrubber,
 - 1.1.5 Grinding Mills Feed Bins Baghouse,
 - 1.1.6 Number 1 and 2 Screening Plant Baghouses,
 - 1.1.7 VAI Sprays on the Grinding Mills Ventilation Duct, and
 - 1.1.8 Dryer Finger Seals.
 - 1.2 The Contingency and Breakdown Management Program must incorporate, where appropriate, the following:
 - 1.2.1 the preventative action that will be taken to ensure that the equipment does not fail when in operation, including equipment maintenance programs and the holding of spare parts;

- 1.2.2 the action that will be taken in the event of equipment failure;
 - 1.2.3 the circumstances, if any, in which the Authority will be informed of equipment failure, and how and when that notification will be made.
 - 1.3 The Licensee must submit the Contingency and Breakdown Management Program to the Authority for assessment within six (6) months of all of the commissioning of the upgrade facilities referred to in Condition 9 of this Licence.
 - 1.4 If the Contingency and Breakdown Management Program submitted in accordance with paragraph 1.3 is not acceptable to the Authority, resubmit a revised version of the program (incorporating any additions or alterations that are reasonably required by the Authority) within 28 days.
 - 1.5 The Licensee must implement as far as is necessary, the Contingency and Breakdown Management Program once it has been approved in writing by the Authority.
2. **POLLUTION CONTROL EQUIPMENT – MAINTENANCE CHECKING AND RECORDING PROGRAM**
 - 2.1 The Licensee must develop a Maintenance Checking and Recording Program for the following on-site pollution control equipment:
 - 2.1.1 Waste Gas Cleaning Plant,
 - 2.1.2 Dryer Scrubbers,
 - 2.1.3 3001 Conveyor Scrubber,
 - 2.1.4 Grinding Mills Feed Bins Enclosure Scrubber,
 - 2.1.5 Grinding Mills Feed Bins Baghouse,
 - 2.1.6 Number 1 and 2 Screening Plant Baghouses,
 - 2.1.7 VAI Sprays on the Grinding Mills Ventilation Duct, and
 - 2.1.8 Dryer Finger Seals.
 - 2.2 The Licensee must develop a Maintenance Checking and Recording Program for the Spencer Gulf transshipping operations pollution control equipment.
 - 2.3 Both of the Maintenance Checking and Recording Programs must incorporate, where appropriate, the following:
 - 2.3.1 the required equipment cleaning cycle to ensure efficient operation;
 - 2.3.2 a record of all incidents of equipment failure;
 - 2.3.3 a record of all maintenance activities undertaken;
 - 2.3.4 a risk management program;
 - 2.3.5 a shipboard oil pollution emergency plan.

- 2.4 The Licensee must submit both of the Maintenance Checking and Recording Programs to the Authority for assessment in the case of the on-site operations within six (6) months of the completion of all of the commissioning of the upgrade facilities referred to in Condition 10 of this Licence and, in the case of the Spencer Gulf operations, not later than one (1) month prior to the commissioning of the transshipping operations in the Spencer Gulf.
- 2.5 The Licensee must implement both of the Maintenance Checking and Recording Programs once approved in writing by the Authority.
- 2.6 The Licensee must make records generated as a result of the programs accessible to the Authority upon request.
3. The Licensee must take all reasonable and practicable measures to ensure that, at the ore processing area:
 - 3.1 dust build-up is removed regularly from all areas to minimise airborne dust; and
 - 3.2 all frequently trafficked dirt roadways and mobile equipment working areas are regularly treated for dust suppression using water or a dust suppression agent.
4. The Licensee must take all reasonable and practicable steps to ensure that the Pellet Plant Reclaim Shed doors are kept closed when the plant is operating in order to minimise fugitive particulate emissions.

Record Keeping and Monitoring

5.
 - 5.1 The Licensee must ensure that all information from stack and ambient air monitoring including charts, raw data, calibration records and other documentation, is made available to the Authority upon request.
 - 5.2 The Licensee must retain all data received from the above monitoring equipment at the Premises for a period of not less than ten years.
6. The Licensee must maintain a contingency plan acceptable to the Authority for the control, containment or mitigation of any spill, accident or plant failure, which may result in or increase the risk of the release of pollutants to the environment.
7. The Licensee must maintain a register of complaints received regarding the Licensee's operation that sets out:
 - 7.1 the date and time of the complaint;
 - 7.2 details of the complaint;
 - 7.3 the name and address of the complainant (if the complainant has permitted the release of their details);
 - 7.4 temperature, wind speed, wind direction and rainfall at the time of events giving rise to the complaint;

- 7.5 the likely cause of the events;
- 7.6 any action taken in response to the complaint; and
- 7.7 any actions taken to prevent a recurrence of the events giving rise to the complaint.

8.

- 8.1 The Licensee must carry out an annual emission testing programme for particle and gaseous emissions from nominated plant exhaust stacks at the Premises.
- 8.2 The Licensee must ensure that the testing programme is carried out in accordance with the Authority's document entitled 'Emission Testing Methodology for Air Pollution manual' dated March 1995, unless otherwise approved by the Authority.
- 8.3 The Licensee must ensure that the annual emission testing is carried out in similar format to the Licensee's "BHP Annual Quality Procedure Air Emissions Monitoring & Stack Emission Survey".
- 8.4 The Licensee must ensure that the emission testing programme includes the following:

- 8.4.1 **BLAST FURNACE PLANT - STOVE STACK**

- oxides of nitrogen
 - carbon monoxide
 - carbon dioxide
 - concentration expressed as milligrams per cubic metre at STP dry basis, and emission rates in grams per second

- 8.4.2 **BLAST FURNACE PLANT - DEDUST BAGHOUSE STACK**

- particle emissions expressed as milligrams per cubic metre at STP dry basis, and emission rate in grams per second

- 8.4.3 **BOS PLANT - PRIMARY & SECONDARY STACKS**

- particle emissions expressed as milligrams per cubic metre at STP dry basis, and emission rate in grams per second

- 8.4.4 **LIME KILN PLANT - No.1 & No.2 STACKS**

- oxides of nitrogen
 - sulphur dioxide
 - carbon monoxide
 - carbon dioxide
 - particle emissions
 - expressed as milligrams per cubic metre at STP dry basis, and emission rate in grams per second

- 8.4.5 **REHEAT FURNACE PLANT - No.2 STACK**

- oxides of nitrogen
 - sulphur dioxide
 - carbon monoxide
 - carbon dioxide

concentration expressed as milligrams per cubic metre at STP dry basis, and emission rates in grams per second

8.4.6 COKE OVENS PLANT - 1A, 1B & 2A STACKS

oxides of nitrogen
sulphur dioxide
carbon monoxide
carbon dioxide
concentration expressed as milligrams per cubic metre at STP dry basis, and emission rates in grams per second

8.4.7 POWER HOUSE PLANT - No.5 & No.6 BOILER STACKS

oxides of nitrogen
sulphur dioxide
carbon monoxide
carbon dioxide
concentration expressed as milligrams per cubic metre at STP dry basis, and emission rates in grams per second

8.4.8 COGENERATION PLANT - MAIN EXHAUST STACK

oxides of nitrogen
sulphur dioxide
carbon monoxide
carbon dioxide
concentration expressed as milligrams per cubic metre at STP dry basis, and emission rates in grams per second

8.4.9 PELLET PLANT - WASTE GAS STACK

oxides of nitrogen
sulphur dioxide
carbon monoxide
carbon dioxide
particle emissions
expressed as milligrams per cubic metre at STP dry basis, and emission rate in grams per second

NOTE:

In addition all Carbon Dioxide emission rates from the above nominated plants to be expressed in tonnes per year;

- 8.5 The Licensee must submit the results of the annual emission testing programme for particle and gaseous emissions carried out at the Premises to the Authority within four weeks of receipt by the Licensee of validated results.

9. The Licensee must implement the following environmental improvement works/activities at the Whyalla Steelworks in accordance with its planned capital works programme for these works/activities:
- 9.1 Crushing and Screening activities will be relocated from the Ore Processing area to the South Middleback Ranges mine site in order to reduce iron ore dust generation and subsequent dispersal outside the Premises. Only small scale occasional iron ore and iron ore products mobile crushing and screening activities will occur at the pellet plant area of the Whyalla Steelworks after the relocation which may generate dust from time to time.
- 9.2 The current open ore handling, conveyance, loading and storage facilities will be upgraded so as to reduce dust generation and subsequent dispersal outside the Premises (including iron ore dust and other fugitive dust). This will include the following items:
- New higher sided rail wagons for transporting predominantly haematite iron ore fines to Ore storage shed
 - New enclosed train unloading 'tip pocket' with dust extraction facilities & enclosed conveyor to export haematite iron ore storage shed
 - Enclosed export haematite iron ore storage shed with dust extraction facilities and internal ore reclaim ability (plus direct pass-through conveyor capability to allow direct loading of vessels from the new 'tip pocket' without rehandling)
 - Enclosed conveyor from the export iron ore storage shed to the jetty loading conveyor
 - Upgrade of jetty loading facilities, including upgraded conveyor cladding, shrouding of the loader spout, dust extraction and moisture sprays for dust suppression
 - Demolition of redundant external structures will be carried out following the successful completion of the magnetite conversion
 - Ongoing site boundary landscaping

Waste

10.

10.1 Waste Water Discharges

Subject to compliance with this condition, the Licensee may discharge waste water from the Premises into the waters adjacent to the Premises.

10.2 Coke Ovens Discharges

- 10.2.1 The Licensee must achieve mass load reductions of ammonia, free cyanide and phenol in the Coke Ovens Excess Ammonia Liquor discharges of 80% by 25 March 2006.
 - 10.2.2 The Licensee must ensure that the Mass load reductions for the Coke Ovens Excess Ammonia Liquor discharge are calculated on the Arisings at that time.
 - 10.2.3 The Licensee must submit annual interim targets for approval of the Authority, which reflect reasonable and progressive improvements towards achievement of the 80% target specified in paragraph 10.2.1 hereof.
 - 10.2.4 The Licensee must ensure that any failure to meet interim targets is addressed in the Licensee's EIP review in the relevant year.
- 10.3 Blast Furnace Discharge
- The Licensee must ensure that no more than 5309 kilograms of zinc is discharged to the marine environment from the blast furnace scrubber wastewater effluent stream, in any calendar year.
- 11.
- 11.1 The Licensee must maintain a waste water monitoring programme as specified in the document 'Water Quality Monitoring - Ref. Onesteel Doc. Q1.50.301'.
 - 11.2 The Licensee must not modify the monitoring programme unless such modifications have been approved by the Authority.
 - 11.3 The Licensee must submit the results of the monitoring programme to the Authority on a six-monthly basis with a statement of validation.
 - 11.4 The Licensee must have the monitoring programme verified independently whenever there is a significant process change.
12. The Licensee must not allow the discharge, emission or deposit of pollutants into coastal waters that causes any visible debris, oil scum or other objectionable matter or odour at the discharge site.
13. The Licensee must cause any material spilt onto the wharf, dock, loading or work area to be removed and reused, or disposed of to a site licensed for the purpose by the Authority.
14. The Licensee must determine the salinity of the waste water discharge by calculation of the proportions of fresh and sea water in the discharge.
15. CONTROLLED AND LISTED WASTES
- 15.1 The Licensee must ensure that any waste which is a substance within the meaning of the *Dangerous Substances Act 1979* and any waste that is a poison within the meaning of the *Controlled Substances Act 1984* is managed in the same manner as if it was a Controlled Waste for the purposes of this licence.

- 15.2 The Licensee must store, contain and treat all material used in the course of the activity that becomes part of any Listed Waste in a manner that does not cause either of the following:
- 15.2.1 environmental harm; or
 - 15.2.2 a risk to health and safety.
- 15.3 The Licensee must mark all Listed Waste storage containers to identify the waste contained within them.
- 15.4 The Licensee must ensure that all containers of Listed Waste leaving the Premises display safety warnings in accordance with the ADG Code.
- 15.5 The Licensee must ensure that all Listed Waste leaving the Premises is removed only by a waste transporter currently licensed by the Authority.
- 15.6 The Licensee must not spill Listed Waste onto soil.
- 15.7 The Licensee must not permit Listed Waste to enter any sewerage system or stormwater drain.
- 15.8 Before any Listed Waste leaves the Premises, the Licensee must advise the transporter of the waste of the following matters:
- 15.8.1 the nature of the waste;
 - 15.8.2 any hazards associated with the waste; and
 - 15.8.3 any precautions to be taken during the collection, transport or disposal of the waste.
- 15.9 The Licensee must render such assistance as is necessary to prevent the spillage of any Listed Waste during loading.
- 15.10 The Licensee must provide such equipment as is necessary to contain and recover any spill at the loading point.
- 15.11 The Licensee must not mix solid Listed Waste with liquid Listed Waste.

NOTE:

In general, wastes are incompatible if, when mixed or otherwise brought into contact, they are likely to interact and increase the risk to human health and/or the environment. If a waste is classified as a dangerous good, the ADG Code relating to the mixing of incompatible goods must be observed. Notwithstanding the above, for the purpose of the Controlled Waste Measure, mixing incompatible wastes also includes mixing of incompatible liquids and mixing solid waste with Liquid Waste.

- 16.
- 16.1 The Licensee must maintain in respect of listed wastes disposed of to landfill on the Premises, such records and survey plans as the Authority may require and approve.
 - 16.2 The Licensee must make the records and survey plans available on demand to the Authority.

17. CONTROLLED WASTE TO BE TRANSPORTED TO A DESTINATION WITHIN SOUTH AUSTRALIA
- 17.1 The Licensee must enter the information set out in Schedule X on a WTC and ensure that the information set out in Schedule Y is entered by the waste transporter on the same WTC before any Controlled Waste on List 1a is transported off the Premises.
- 17.2 The Licensee must enter the information set out in Schedule A on a WTF and ensure that the information set out in Schedule B is entered by the waste transporter on the same WTF before any Controlled Waste on List 1b is transported off the Premises.
- 17.3 In the event of a WTC being required, the Licensee must:
- 17.3.1 retain the green copy of the WTC for no less than 12 months;
- 17.3.2 post or otherwise send the pink copy of the WTC to the Authority within seven days of collection of the waste; and
- 17.3.3 give the white, yellow and blue copies of the WTC to the transporter of the waste at the time of collection.
- 17.4 In the event of a WTF being required, the Licensee must:
- 17.4.1 retain the green copy of the WTF for no less than 12 months; and
- 17.4.2 give the yellow and blue copies of the WTF to the transporter of the waste at the time of collection.
18. CONTROLLED WASTE TO BE TRANSPORTED TO A DESTINATION OUTSIDE SOUTH AUSTRALIA
- 18.1 The Licensee must enter the information set out in Schedule X on a WTC and ensure that the information set out in Schedule Y is entered by the waste transporter on the same WTC before any Controlled Waste on Lists 1a or 1b is transported off the Premises.
- 18.2 The Licensee must:
- 18.2.1 retain the green copy of the WTC for no less than 12 months;
- 18.2.2 post or otherwise send the green 'Tear-Off' slip to the environment Regulatory Authority or a delegated facility in the State or Territory to which the waste is to be taken;
- 18.2.3 post or otherwise send the pink copy of the WTC to the Authority within seven days of collection of the waste; and
- 18.2.4 give the white, yellow and blue copies of the WTC to the transporter of the waste at the time of collection.
- 18.3 The Licensee must not permit Controlled Waste destined for another State or Territory to be removed from the Premises unless a Consignment Authorisation has been obtained by the Licensee from an agency in the jurisdiction of destination or from a facility delegated by that agency prior to the collection of such wastes.

- 18.4 The Licensee must confirm that the waste transporter is appropriately licensed in all States or Territories through which the Controlled Waste will be transported.
19. LIQUID WASTE DEPOTS (OIL STORAGE)
- 19.1 The Licensee must operate and maintain the depot in a manner that does not cause:
- 19.1.1 a nuisance or offensive condition;
 - 19.1.2 conditions injurious to health or safety; or
 - 19.1.3 damage to the environment.
- 19.2 The Licensee must ensure that, at all times whilst the depot is open, at least one person is present at the depot who is responsible for the control and operation of the depot and whose duties include, but are not limited to:
- 19.2.1 controlling the reception, storage and removal of waste;
 - 19.2.2 maintaining the depot to a standard acceptable to the Authority;
 - 19.2.3 controlling all employees working in the depot; and
 - 19.2.4 supervising all persons entering the depot.
- 19.3 The Licensee must not receive Liquid Waste from any person who is not licensed to collect waste for fee or reward under the provisions of the Act.
- 19.4 The Licensee must maintain, in respect of wastes received at the depot, such records and in such manner as the Authority may require or approve.
- 19.5 The Licensee must ensure that the records include information relating to the source, the transporter, the type, chemical composition and quantities of waste received.
- 19.6 The Licensee must ensure that the records are accessible to the Authority upon request.
- 19.7 The Licensee must not receive waste at the depot unless it is accompanied by a properly completed WTF.
20. When disposing of waste containing friable asbestos the Licensee must:
- 20.1 deposit all Waste Containing Friable Asbestos within that part of the depot dedicated for asbestos waste;
 - 20.2 provide survey plans delineating that part of the depot dedicated for asbestos waste to the Authority for approval;
 - 20.3 hold a copy of the survey plans required in paragraph 20.2 at the depot;

- 20.4 establish permanent markers upon the depot, which clearly delineate that part of the depot dedicated to Waste Containing Friable Asbestos;
 - 20.5 contain Waste Containing Friable Asbestos received at the depot in approved containers;
 - 20.6 ensure that containers in which waste asbestos is contained are lowered to the ground by mechanical lifting equipment, and not dumped or dropped;
 - 20.7 cover each batch of containers in which waste asbestos is contained with Waste Fill, or Slag from the Licensee's operations, to a depth of at least one metre by the close of business on the day the waste was received;
 - 20.8 ensure that the Waste Fill, or Slag, extends two metres beyond the sides and ends of the containers;
 - 20.9 not cover Waste Containing Friable Asbestos with Waste Fill, or Slag, without prior approval of the Authority;
 - 20.10 ensure that the total depth of final cover over the container is not less than three metres, which covering must be completed within three months of the disposal of the waste;
 - 20.11 maintain, in respect of Waste Containing Friable Asbestos received at the depot, such records and survey and in such manner as the Authority may require or approve;
 - 20.12 ensure that the records are accessible to the Authority upon request; and
 - 20.13 not receive Waste Containing Friable Asbestos at the depot without it being accompanied by a properly completed WTC.
21. **RECEIPT OF CONTROLLED WASTE FROM WITHIN SOUTH AUSTRALIA**
- 21.1 The Licensee must not receive any Controlled Waste on List 1a (clarified) unless a WTC containing the information set out in Schedules X and Y is supplied by the transporter.
 - 21.2 The Licensee must not receive any Controlled Waste on List 1b unless a WTF containing the information set out in Schedules A and B is supplied by the transporter.
 - 21.3 In the event of a WTC being specified, the Licensee must:
 - 21.3.1 retain the yellow copy of the WTC for no less than 12 months; and
 - 21.3.2 post or otherwise send the white copy of the WTC to the Authority within seven days of receipt of the waste.
 - 21.4 In the event of a WTF being required, the Licensee must:
 - 21.4.1 retain the yellow copy of the WTF for no less than 12 months; and

21.4.2 post or otherwise send the white copy of the WTF to the Authority within seven days of receipt of the waste.

22. **RECEIPT OF CONTROLLED WASTE FROM OUTSIDE SOUTH AUSTRALIA**

22.1 The Licensee must not receive any Controlled Waste unless a WTC containing the information set out in Schedules X and Y is supplied by the transporter.

22.2 The Licensee must:

22.2.1 retain the yellow copy of the WTC for no less than 12 months; and

22.2.2 post or otherwise send the white copy of the WTC to the Authority within seven days of receipt of the waste.

22.3 The Licensee must not receive any Controlled Waste from another State or Territory unless a Consignment Authorisation has been obtained from the Authority prior to the collection of such wastes.

22.4 The Licensee must report the receipt of a consignment (or load) to:

22.4.1 the producer;

22.4.2 the nominated Agency in the jurisdiction of origin:

(a) in other than NSW or the ACT, upon receipt of each consignment or load; or

(b) in NSW and the ACT, as an aggregated report for the period specified by the nominated Agency; and

22.4.3 the Authority upon receipt of each consignment or load.

NOTE:

The means of 'reporting' receipt of Controlled Waste may vary depending on the requirements of the State or Territory of destination. Where a docket system is used, reporting consists in sending the relevant docket to the nominated Agency. Where a docket system is not used [NSW and the ACT], the Licensee must notify the producer directly.

22.5 The Licensee must ensure that the facility reports any discrepancies between the information provided in Schedules X and Y and the Controlled Waste as delivered to the Authority as soon as possible, but, in any case within seven days of receipt of the waste.

23. The Licensee must take reasonable steps to ensure that Liquid Waste does not come into direct contact with the earth.
24. If the Licensee's name or postal address (or both) changes, then the Licensee must inform the Authority within 28 days of the change occurring.
25. The Licensee must display a copy of this licence on a notice board or other suitable place at a location readily accessible to the employees undertaking the activities to which the licence relates.
26. The Licensee must ensure that every employee, agent or contractor responsible for carrying out any task controlled by this licence is properly advised as to the requirements of this licence and the general environmental duty under section 25 of the Act that relate to that person's tasks and responsibilities as employee, agent or contractor.
27. The Licensee must pay the annual authorisation fee by the authorisation fee payment date.

Declaration for purposes of *Environment Protection Act 1993*

For the purposes of sections 25(3)(b) and 84(1)(b) of the *Environment Protection Act 1993* it is hereby provided that:

- (a) compliance with conditions 1, 2, 3, 4, 5, 6, 7, 8 and 9 of this licence will satisfy the Licensee's general environmental duty under section 25 of the *Environment Protection Act 1993* in relation to the form of air pollution in respect of which these conditions are concerned; and
- (b) compliance with conditions 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 will satisfy the Licensee's general environmental duty under section 25 of the *Environment Protection Act 1993* in relation to the form of solid, liquid or gaseous waste discharge pollution in respect of which these conditions are concerned.

Table 1

Waste Soil—Physical Characteristics

WASTE FILL	INTERMEDIATE LANDFILL COVER
<ul style="list-style-type: none"> • less than 100 mm in diameter, homogeneous, consisting of clay, concrete, rock, sand, soil or other inert mineralogical matter and not containing asbestos or bitumen (as specified in Part 4 of the <i>Environment Protection (Fees and Levy) Regulations 1994</i>) • not containing significant organic material such as timber, vegetable matter or other waste materials 	<ul style="list-style-type: none"> • less than 200 mm in diameter • not containing significant organic material such as timber, vegetable matter or other waste materials

Table 2

Waste Soil—Chemical Characteristics

CHEMICAL SUBSTANCE	WASTE FILL	INTERMEDIATE LANDFILL COVER	
	CONCENTRATION in mg/kg (dry weight)	CONCENTRATION in mg/kg (dry weight)	MAXIMUM LEACHATE CONCENTRATION in mg/L Method of Analysis AS 4439.3-1997
Aldrin + deildrin (total)	2	<2	#
Arsenic	20	<200	5
Barium	300		
Benzene	1	<5	#
Benzo(a)pyrene	1	<2	#
Beryllium	20	<40	1
Cadmium	3	<30	0.5
Cobalt	170	<170	#
Chlordane	2	<2	#
Chromium (III)	400	<12%	#
Chromium (VI)	1	<200	5
Copper	60	<2000	10

**Broken Hill Proprietary Company's Steel Works Indenture (Environmental Authorisation)
Amendment Act 2005—No 48 of 2005**

Part 2—Amendment of *Broken Hill Proprietary Company's Steel Works Indenture Act 1958*

CHEMICAL SUBSTANCE	WASTE FILL	INTERMEDIATE LANDFILL COVER	
	CONCENTRATION in mg/kg (dry weight)	CONCENTRATION in mg/kg (dry weight)	MAXIMUM LEACHATE CONCENTRATION in mg/L Method of Analysis AS 4439.3-1997
Cyanides (total)	500	<1000	10
DOT	2	<2	#
Ethylbenzene	3.1	<100	#
Heptachlor	2	<2	#
Lead	300	<1200	5
Manganese	500	<6000	50
Methyl mercury		<20	#
Mercury	1	<30	01
Nickel	60	<600	2
Total Petroleum Hydrocarbons (TPH) C.-C ₉	65	<100	#
TPH > C.	1000	<1000	#
Phenolic compounds (total)	05	<17000	#
Polychlorinated biphenyls	2	<2	#
Polycyclic Aromatic Hydrocarbons (PAH) (total)	5	<40	#
Toluene	1.4	<50	#
Xylene (total)	14	<180	#
Zinc	200	<14000	250

- 1 The assessment of the chemical analysis carried out on samples of the waste soil in accordance with this condition may include scientifically valid statistical analysis to justify classification of the waste soil in accordance with the values listed in this table.
- 2 '#' indicates that leachate testing for that chemical substance is not required provided that the concentration of that chemical substance in mg/kg (dry weight) does not exceed the value specified for that category of waste soil.
- 3 '<=' 'less than'

Schedule A WTF Requirements for Producers

Producer to insert in Part A the following:

- name of waste producer
- address of waste source (producer)
- type of waste collected by marking one of the boxes in Part A of the form
- amount of liquid waste in litres or numbers of tyres.
- signature of the producer of the waste (or authorised agent)
- date of collection from the producer of the waste

Schedule B WTF Requirements for Transporters

Transporter to insert in Part B the following:

- the name of the licensed waste transporter
- EPA license number for the waster transporter
- vehicle registration no. for the waster transporter
- signature and name of the waster transporter or authorised agent
- date of collection of by the waste transporter.

Schedule X WTC Requirements for Producers

Producer to insert in Part A

- Description of the waste(s) [Use proper shipping name/technical name if applicable for Dangerous Goods]
- The physical nature of the waste
- Waste code(s) (As specified in List 1)
- Contaminant(s) (As specified in List 1)
- UN Number(s)
- UN Code(s)
- Dangerous Goods Class(es) (UN Class(es)) [and Subsidiary Risk if applicable for Dangerous Goods]
- Packaging Group number
- Amount of waste(s)
- Waste origin code (ANZ Standard Industry Code)
- Type of package (eg bulk) [and number of packages of each type if applicable for Dangerous Goods]
- Facility name
- Facility address

- Facility licence number
- State/Territory of destination
- Name of waste producer
- Address of waste source
- Producer's telephone number
- Emergency contact number in the event of accident or spillage
- Consignment authorisation number (When waste is to be transported to another State or Territory)
- Producer licence number
- Date of dispatch
- Signature of the producer or authorised agent

Producer to insert in "tear-off"

- Name of waste producer
- Address of waste source
- Description of the waste(s) [Use proper shipping name/technical name if applicable for Dangerous Goods]
- Producer licence number
- Signature of the producer or authorised agent
- Quantity of waste

Schedule Y WTC Requirements for Transporters

Transporter to insert in Part B

- Name of transporter(s)
- Address of transporter(s)
- Vehicle registration number(s)
- Type of transport eg road, rail
- Transporters licence number(s)
- Date of transport
- Signature of the waste transporter

Transporter to insert in "tear-off"

- Name(s) of transit State(s)/Territory or Territories
- Name of Transporter
- Transporter Licence Number

List 1a

Waste stream or wastes having as constituents:

Acidic solutions or acids in solid form	B100
Antimony; antimony compounds	D170
Arsenic; arsenic compounds	D130
Asbestos	N220
Barium compounds (excluding barium sulphate)	D290
Basic solutions or bases in solid form	C100
Beryllium; beryllium compounds	D160
Boron compounds	D310
Cadmium; cadmium compounds	D150
Ceramic-based fibres with physico-chemical characteristics similar to those of asbestos	N230
Chlorates	D350
Chromium compounds (hexavalent and trivalent)	D140
Clinical and related wastes	R100
Cobalt compounds	D200
Containers which are contaminated with residues of substances referred to in this list	N100
Copper compounds	D190
Cyanides (inorganic)	A130
Cyanides (organic)	M210
Encapsulated, chemically-fixed, solidified or polymerised wastes	N160
Ethers	G100
Filter cake	N190
Fire debris and fire washwaters	N140
Fly ash	N150
Halogenated organic solvents	G150
Highly odorous organic chemicals (including mercaptans and acrylates)	M260
Inorganic fluorine compounds excluding calcium fluoride	D110
Inorganic sulphides	D330
Isocyanate compounds	M220
Lead; lead compounds	D220
Mercury; mercury compounds	D120
Metal carbonyls	D100
Nickel compounds	D210

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Organic phosphorus compounds	H110
Organic solvents excluding halogenated solvents	G110
Organohalogen compounds - other than substances referred to in this list	M160
Perchlorates	D340
Phenols, phenol compounds including chlorophenols	M150
Phosphorus compounds excluding mineral phosphates	D360
Polychlorinated dibenzo-furan (any congener)	M170
Polychlorinated dibenzo-p-dioxin (any congener)	M180
Residues from industrial waste treatment/disposal operations.	N205
Selenium; selenium compounds	D240
Soils contaminated with a controlled waste	N120
Surface active agents (surfactants), containing principally organic constituents and which may contain metals and inorganic materials	M250
Tannery wastes (including leather dust, ash, sludges and flours)	K140
Tellurium, tellurium compounds	D250
Thallium; thallium compounds	D180
Triethylamine catalysts for setting foundry sands	M230
Vanadium compounds	D270
Waste chemical substances arising from research and development or teaching activities including those which are not identified and/or are new and whose effects on human health and/or the environment are not known	T100
Waste containing peroxides other than hydrogen peroxide	E100
Waste from heat treatment and tempering operations containing cyanides	A110
Waste from the manufacture, formulation and use of wood-preserving chemicals	H170
Waste from the production, formulation and use of biocides and phytopharmaceuticals	H100
Waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish	F100
Waste from the production, formulation and use of organic solvents	G160
Waste from the production, formulation and use of photographic chemicals and processing materials	T120
Waste from the production, formulation and use of resins, latex, plasticisers, glues and adhesives	F110
Waste from the production and preparation of pharmaceutical products	R140
Waste pharmaceuticals, drugs and medicines	R120
Waste resulting from surface treatment of metals and plastics	A100
Waste tarry residues arising from refining, distillation, and any pyrolytic treatment	J160

Waste, substances and articles containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)	M100
Waste of an explosive nature not subject to other legislation	E120
Zinc compounds	D230

List 1b

Waste stream or wastes having as constituents:

Animal effluent and residues (abattoir effluent, poultry and fish processing waste)	K100
Grease trap waste	K110
Non toxic salts	D300
Tyres	T140
Waste mineral oils unfit for their original intended use	J100
Waste oil/water, hydrocarbons/water mixtures or emulsions	J120
Wool scouring waste	K190

Schedule 1—Transitional provisions

The licence granted to the Company under Part 6 of the *Environment Protection Act 1993*, licence number 13109, will expire on the date of commencement of sections 6 and 7 of this Act.